

IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT  
OF GEORGIA ATLANTA DIVISION

ELEXIS DAWKINS

PLAINTIFF,

v.

INTUITIVE SURGICAL INC.

DEFENDANT.

Civil Action No.

**PLAINTIFF’S ORIGINAL**  
**COMPLAINT AND JURY DEMAND**

Plaintiff, Elexis Dawkins, by and through her undersigned counsel, files this Complaint for sexual harassment and retaliation in violation of 42 U.S.C. §2000e et. seq. against Defendant, Intuitive Surgical Inc., and alleges as follows:

**PARTIES**

1.

Plaintiff Elexis Dawkins (“Plaintiff” or “Plaintiff”) is a citizen and resident of the United States currently residing in Erie County, Buffalo NY 14207.

2.

Defendant Intuitive Surgical Inc. (“Intuitive Surgical” or “Defendant”) is an American biotechnology company that develops, manufactures, and markets robotic products designed to improve clinical outcomes. The Company may be served with process by serving its registered agent, C T Corporation System at 289 S Culver St, Lawrenceville, GA, 30046-4805, USA.

### JURISDICTION AND VENUE

3.

This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. § 1343(a)(4).

4.

This suit is authorized and instituted pursuant to the Civil Rights Act of 1866, the Civil Rights Act of 1964, 42 U.S.C. §2000e, et. seq., Civil Rights Act of 1871.

5.

Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunity Commission on March 14, 2024. Plaintiff received her Notice of Rights to Sue on January 10, 2025. Hence, Plaintiff has exhausted her administrative remedies and timely brings this action.

6.

Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to this action occurred within this district.

### FACTUAL BACKGROUND

7.

Plaintiff began her employment with Intuitive Surgical as a Technician.

8.

Plaintiff performed her duties competently and maintained good standing with the company.

9.

In or around July 10-14, 2023, Plaintiff's supervisor, Ade Boyega Oshinowo, ("Mr. Boyega"), nightshift supervisor, made unsolicited and inappropriate sexual comments.

10.

Mr. Boyega stated that he "was a freak" and that he enjoyed having sex "six times a week."

11.

During the same week, Mr. Boyega started approaching Plaintiff's desk and standing very close to her.

12.

Mr. Boyega crotch was often in close proximity to Plaintiff's face while she sat.

13.

This occurred routinely two to three times a week until September 2023, when Plaintiff rejected his advances.

14.

On July 27, 2023, Mr. Boyega told Plaintiff that he wanted to "put a baby in her."

15.

Around mid-August 2023, Mr. Boyega resumed his sexual comments, telling Plaintiff he wanted to have sex with her.

16.

Each time Plaintiff was called to his desk, Mr. Boyega would state that he wanted to "fuck" her.

17.

In or around late September or early October 2023, after Plaintiff rejected Mr. Boyega's sexual advances, Mr. Boyega began retaliating against her.

18.

Mr. Boyega started denying job opportunities and training that he had previously promised.

19.

Mr. Boyega had promised Plaintiff PSC (Patient Side Cart – robotic surgical equipment) training in North Carolina for a Technician 3 promotion.

20.

The PSC training was denied after Plaintiff rejected Mr. Boyega advances.

21.

Mr. Boyega also promised Plaintiff a Testing position, which would have been a promotion.

22.

This opportunity was also taken away after Plaintiff refused his sexual advances.

23.

On October 26, 2023, Plaintiff requested to be removed from Mr. Boyega's supervision and transferred to the dayshift.

24.

On November 14, 2023, Plaintiff filed a grievance with Human Resources through the HelpNow app.

25.

Plaintiff reported sexual harassment and gender discrimination.

26.

On or around December 1, 2023, Plaintiff was placed on paid administrative leave.

27.

On December 8, 2023, Plaintiff was terminated from her employment with Intuitive Surgical.

28.

Plaintiff believes her termination was a result of rejecting Mr. Boyega's sexual advances and for reporting his inappropriate conduct.

COUNT I  
HOSTILE WORK ENVIRONMENT BASED ON SEXUAL  
HARASSMENT IN VIOLATION OF TITLE VII

29.

Plaintiff re-alleges and incorporates by reference paragraphs 1 to 28 of this Complaint as though fully set forth herein.

30.

Title VII prohibits employers from discriminating against employees on the basis of sex, including sexual harassment.

31.

At all times relevant to this Complaint, Intuitive Surgical has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII.

32.

Plaintiff is an employee within the meaning of Title VII and belongs to a class protected under the statute, specifically on the basis of her sex.

33.

Beginning in or around July 2023, Plaintiff's supervisor, Mr. Boyega, engaged in unwanted and inappropriate sexual conduct toward Plaintiff.

34.

Mr. Boyega made unsolicited sexual comments.

35.

Mr. Boyega stood close to Plaintiff in a sexually suggestive manner.

36.

Mr. Boyega told Plaintiff he wanted to have sex with her.

37.

Mr. Boyega made threats or took adverse actions after Plaintiff rejected his advances.

38.

The harassment was based on Plaintiff's sex, as the comments and

actions were of a sexual nature and directed specifically at her because she is a woman.

39.

The harassment was severe and pervasive as it occurred regularly over a period of months and included sexually explicit language and threats of sexual action.

40.

Mr. Boyega's conduct altered the terms and conditions of Plaintiff's employment and created a hostile work environment as it led to the denial of job opportunities after Plaintiff rejected Mr. Boyega's sexual advances.

41.

Plaintiff's belief that she was subjected to unlawful discrimination was both subjectively genuine and objectively reasonable in light of the circumstances.

42.

Plaintiff subjectively perceived the work environment as hostile and abusive due to the repeated sexual comments and physically intimidating conduct of her supervisor.

43.

Objectively, a reasonable person in Plaintiff's position would find the



environment hostile and abusive, as the harassment involved frequent, severe, and humiliating sexual conduct by a person in a position of authority over her.

44.

Mr. Boyega acted in a supervisory capacity and used his position of authority to harass and retaliate against Plaintiff.

45.

Intuitive Surgical failed to take appropriate action to prevent or correct the harassment by Mr. Boyega, who was acting in a supervisory capacity, making Intuitive Surgical, the employer, vicariously liable.

46.

Intuitive Surgical's conduct, through Mr. Boyega, constitutes unlawful sexual harassment in violation of Title VII of the Civil Rights Act of 1964.

COUNT II  
RETALIATION IN VIOLATION OF TITLE VII

47.

Plaintiff re-alleges and incorporates by reference paragraphs 1 to 46 of this Complaint as though fully set forth herein.

48.

Title VII prohibits employers from retaliating against employees who oppose unlawful employment practices or participate in any manner in an

investigation, proceeding, or hearing under the Act.

49.

Plaintiff engaged in protected activity under Title VII when she rejected the sexual advances of her supervisor, Mr. Boyega.

50.

Plaintiff further engaged in protected activity by filing a formal grievance with Human Resources on November 14, 2023, reporting sexual harassment and gender discrimination.

51.

After Plaintiff rejected Mr. Boyega's sexual advances, she experienced retaliation in the form of denied job opportunities and training that had previously been promised to her, including PSC training for a Technician 3 promotion and a Testing position.

52.

The retaliation escalated after Plaintiff filed her grievance.

53.

On or around December 1, 2023, Plaintiff was placed on paid administrative leave.

54.

On December 8, 2023, Plaintiff was terminated from her employment.

55.

The adverse actions taken against Plaintiff, including the denial of promotions and her eventual termination, were in direct retaliation for her protected actions under Title VII.

56.

Intuitive Surgical's actions were motivated by a retaliatory intent to punish Plaintiff for rejecting Mr. Boyega's advances and for reporting the sexual harassment and discrimination to Human Resources.

57.

There is a causal connection between Plaintiff's protected activity and the adverse employment action taken against her, as her termination occurred immediately after she reported and opposed the sexually motivated harassment.

58.

Intuitive Surgical's retaliatory actions were intentional and motivated by Plaintiff's protected activity of reporting discrimination, constituting a violation of Title VII.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands a trial by jury on all issues trial by a jury and respectfully requests the following relief:

1. Compensatory damages for lost wages, economic benefits of employment to Plaintiff in the amount to be determined by the trier of fact;
2. Compensation for emotional distress and humiliation;
3. Punitive damages to punish Defendant for its discriminatory actions;
4. Cost of litigation in this action and her reasonable attorney's fees;
5. Any other relief the Court deems just and proper.

Respectfully submitted this 10th day of April 2025.

**JESSE KELLY PC**

By: /s/ Jesse L. Kelly

Jesse L. Kelly, Esq.

Georgia Bar No. 935869

355 Lenox Road Suite 1000

[jesse@jkellypc.com](mailto:jesse@jkellypc.com)

**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 5.1, the undersigned, attaches this Certificate of Service

This 10th day of April 2025.

**JESSE KELLY PC**

*/s/ Jesse Kelly*

**Jesse L. Kelly**

Ga Bar No. 935869

3355 Lenox Rd. Suite 1000,

Atlanta, GA 30326

Phone: (678) 460-6801

Fax: (678) 730-3443

[jesse@jkellypc.com](mailto:jesse@jkellypc.com)